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6 SHAHID BUTTAR FOR CONGRESS COMMITTEE and
7 SHAHID BUTTAR

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 SHAHID BUTTAR FOR CONGRESS
12 COMMITTEE and SHAHID BUTTAR, an
individual;

CASE NO. _____

13 *Plaintiffs,*

**COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF**

14 vs.

JURY TRIAL DEMANDED

15 HEARST COMMUNICATIONS, INC., a
16 Delaware corporation; and DOES 1
through 5;

1. Defamation at Common Law and Cal. Civ. Code §45 (Libel)
2. Violation of Cal. Bus. & Prof. Code §§17200, et seq.

17 *Defendants.*

18 JUDGE: TBD

20 **INTRODUCTION**

1. This lawsuit aims to vindicate the fundamental right of everyone, especially people from marginalized and vulnerable communities, to run for political office on the basis of the content of their character – without having their reputations harmed due to reckless, unethical reporting by newspapers of record.
2. On July 21, 2020, the San Francisco *Chronicle* published an article containing a false allegation that Congressional candidate Shahid Buttar had committed sexual harassment.

3. At the time, Mr. Buttar was the first Democrat to challenge U.S. House of Representatives Speaker Nancy Pelosi in a general election.
4. As a direct result of the *Chronicle*'s publication of the false allegation, Mr. Buttar and his campaign were inflicted with grievous harm to their reputations. Furthermore, the *Chronicle*'s amplification of the false allegations likely deterred a significant number of voters in California's 12th Congressional District from voting for Mr. Buttar.

THE PARTIES¹

5. Defendant **Hearst Communications, Inc.** (“Defendant Hearst”), a Delaware corporation, owns the San Francisco *Chronicle*, which is located at 901 Mission St., San Francisco, CA 94103. The *Chronicle* is the newspaper of record for the 12th Congressional District, which covers most of the City and County of San Francisco.
6. Defendant Hearst and the Bay Area News Group (which owns the *Mercury News* and *East Bay Times*) comprise the two media conglomerates that own the only newspapers of record in the Bay Area.
7. Plaintiff **Shahid Buttar** is a constitutional lawyer, legal advocate, nonprofit leader, community organizer, poet, and musician.
8. An early advocate for LGBTQ marriage equality and a longtime advocate for civil liberties, Mr. Buttar worked over the previous 15 years for nonprofit organizations including the Electronic Frontier Foundation (EFF), Bill of Rights Defense Committee (now known as Defending Rights and Dissent), Muslim Advocates, and the American Constitution Society (ACS).
9. In 2020, Mr. Buttar and House Speaker Pelosi were the only two candidates to

¹ Plaintiffs do not know the true names and capacities of Defendants sued in this Complaint as Does 1 through 5, and therefore sue those Defendants by fictitious names. Plaintiffs will amend this Complaint to allege the true names and capacities of Does 1 through 5 as soon as they have been ascertained. Upon information and belief, each of the Defendants named as Does 1 through 5 is responsible in some manner for the occurrence, injury, and other damages alleged in this Complaint.

qualify for the Nov. 3, 2020 general election for California's 12th Congressional District.

10. A British immigrant of Pakistani descent, Mr. Buttar grew up in the Midwest. He first came to the Bay Area in 2000 to study law at Stanford Law School, from which he received his law degree in 2003.
11. To date, no immigrant, Muslim, or person of color like Mr. Buttar has represented California’s 12th Congressional District.
12. Mr. Buttar intends to run again as a candidate in the 2022 Congressional election.
13. Plaintiff **Shahid Buttar for Congress Committee** (“Buttar for Congress”), an unincorporated organization headquartered in San Francisco, constituted Mr. Buttar’s Congressional campaign for the 2020 Congressional election, and constitutes Mr. Buttar’s campaign for the 2022 Congressional election.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332 (diversity jurisdiction). Venue is proper in this judicial district pursuant to 28 U.S.C. §1391, for Defendant Hearst, in its capacity as owner of the *Chronicle*, is subject to personal jurisdiction in this judicial district.

THE DEFAMATORY CHRONICLE ARTICLE

15. *The Chronicle's Original Piece.* On **July 22, 2020**, the *Chronicle* published an article (the “Original Piece”) in its print edition under the headline, “Shahid Buttar, Nancy Pelosi’s Election Opponent, Accused of Sex Harassment”.² *Chronicle* reporter Joe Garofoli wrote the Original Piece.
16. The Original Piece was based on a self-published *Medium* post in which a former acquaintance (Elizabeth Croydon) alleged that Mr. Buttar had sexually harassed

² Joe Garofoli, "Shahid Buttar, Nancy Pelosi's Election Opponent, Accused of Sex Harassment", San Francisco *Chronicle*, July 22, 2020, at B4, online version *available at* <https://www.sfchronicle.com/politics/article/Shahid-Buttar-Nancy-Pelosi-s-election-15424675.php> (last visited July 17, 2021).

her.³

2 17. The previous afternoon (**July 21, 2020**), *Chronicle* reporter Joe Garofoli
3 demanded that Buttar for Congress provide a response to Ms. Croydon's
4 allegations in less than two hours.

5 18. Within two hours, Buttar for Congress promptly emailed Mr. Garofoli a statement
6 from Mr. Buttar that denied Ms. Croydon's claims.

7 19. Based on the text of the Original Piece, it does not appear that Mr. Garofoli
8 interviewed Ms. Croydon before the Original Piece was published.

9 20. In other words, the *Chronicle* published the Original Piece – even though its
10 reporter had interviewed *neither* Ms. Croydon *nor* Mr. Buttar regarding Ms.
11 Croydon's allegations against Mr. Buttar.

12 21. *Buttar for Congress Notifies the Chronicle of Ms. Croydon's Prior False Claims.*
13 In an email sent at 8:30 pm that same evening,⁴ Buttar for Congress representative
14 Patricia Brooks notified Mr. Garofoli that Ms. Croydon had not only made a false
15 claim about Mr. Buttar, but had made false claims about the husband of another
16 person:
17
18 We do have some people who can speak about [Mr. Buttar's] character and
19 other claims [Ms. Croydon] has made in the past that are *false* – including
20 one who alleges that she also made *false claims about her husband*. Would
21 you want to speak with them? We are reluctant to attack her character out
22 of respect to survivors ... but *they are willing to speak with you*.⁵

23 22. Ms. Brooks offered to put Mr. Garofoli in touch with those individuals – including
24 one person (Dr. Margaret Flowers, M.D.) who alleged that Ms. Croydon had made
false claims about her husband.

25 23. However, Mr. Garofoli chose not to interview *any* of those individuals, including
26 Dr. Margaret Flowers, M.D. and Martine Zundmanis.

³ Elizabeth Croyden, self-published *Medium* post, July 21, 2020, available at <https://medium.com/@elizabethcroydon/shahid-buttar-repeatedly-sexually-harassed-me-1a23f22924dd> (last visited July 17, 2021).

4 All times reflect Pacific Standard Time (PST).

5 Italics added.

1 24. Both Dr. Flowers and Ms. Zundmanis knew both Mr. Buttar and Ms. Croydon
 2 during the 2000s, the period when Ms. Croydon alleged that Mr. Buttar had
 3 purportedly harassed her.

4 25. According to Dr. Flowers, Ms. Croydon falsely accused Dr. Flowers' husband
 5 Kevin Zeese of sexual assault in 2006, the same year he was a Maryland candidate
 6 for the U.S. Senate.

7 26. According to Ms. Zundmanis, there is no merit to Ms. Croydon's allegations
 8 regarding Mr. Buttar. Ms. Zundmanis has observed previous instances where Ms.
 9 Croydon false accused progressive political activists of sexual harassment –
 10 including an activist who worked at a prominent environmental organization and
 11 suffered grave harm as a result.

12 27. *The Bay Area Reporter Article Discussing Ms. Croydon's Credibility.* That same
 13 evening (**July 21, 2020**), the *Bay Area Reporter* – which interviewed both Dr.
 14 Flowers and Ms. Zundmanis – published an article (the “B.A.R. article”)⁶ that
 15 included their accounts regarding Ms. Croydon's claims.

16 28. In relevant part, the B.A.R. article stated:

17 Two women who knew Buttar in the 2000s told the *B.A.R.* that there was
 18 *no credibility* to what Croydon alleges occurred. Martine Zundmanis, who
 19 met Buttar in 2004 while working together on civil rights issues, said there
 20 is “absolutely no merit” to Croydon’s claims.

21 “I think in context of the progress victims and survivors have made as a
 22 result of the #MeToo movement, to have someone as ethical and with so
 23 much integrity as Shahid to be attacked with *lies* like this is just
 24 disgusting,” she said.

25 Dr. Margaret Flowers, on Twitter and in a phone interview with the
 26 B.A.R., said Croydon had *falsefully accused* her partner, attorney Kevin
 27 Zeese, of *sexual assault* in 2006. “It is really sad she is given any
 28 credibility,” said Flowers. “I have known Shahid for at least a decade; I
 29 have a lot of respect for him.”⁷

⁶ Matthew S. Bajko, “Political Notebook: Pelosi Challenger Buttar Accused of Sexual Harassment, Misogyny”, *Bay Area Reporter*, July 21, 2020, available at https://www.ebar.com/news/latest_news/295177 (last visited July 17, 2021).

⁷ *Id.* (italics added).

1 29. At 5:44 am the next morning (**July 22, 2020**), Buttar for Congress' Patricia Brooks
2 sent an email to the *Chronicle*'s Joe Garofoli.

3 30. In her email, Ms. Brooks again stated that (1) Ms. Croydon's allegations about Mr.
4 Buttar were false, and (2) "a number of voices" had been "left out" from the
5 *Chronicle*'s story. To that end, Ms. Brooks requested that the *Chronicle* correct
6 the Original Piece by, *inter alia*, interviewing individuals "closer to this situation"
7 (such as Dr. Flowers or Ms. Zundmanis).

8 31. In response, the *Chronicle* failed to correct or otherwise revise the Original Piece.
9 Instead, in a **July 22, 2020** email, Mr. Garofoli invited Ms. Brooks to submit an
10 opinion (op-ed) piece to the *Chronicle*.

11 32. Within a matter of hours, Buttar for Congress submitted an opinion piece to the
12 *Chronicle*. However, the *Chronicle* refused to publish it in the interest of
13 "fairness".

14 33. *Author Chris Sampson's Email to the Chronicle regarding Ms. Croydon's
15 Credibility.* The next day (**July 23, 2020**) at 4:22 pm, Mr. Garofoli and two other
16 *Chronicle* employees received an email from Chris Sampson, a national security
17 expert.

18 34. In that email, Mr. Sampson stated that Ms. Croydon was a "pathological liar" who
19 had "harassed" one of his friends "repeatedly in private texts to the point of [his]
20 friend considering suicide."

21 35. Mr. Sampson further stated that he had "no association" with Mr. Buttar and had
22 "never talked with him." Mr. Sampson also stated that he contacted Buttar for
23 Congress when he "saw [Ms. Croydon's] accusation".

24 36. Mr. Sampson ended his email by expressing his disappointment with the
25 *Chronicle*:

26 You had a duty to tell the readers the truth.

27 You should do a better job in the future or consider your reputation
28 destroyed.

OTHER PUBLISHED ARTICLES EXAMINING MS. CROYDON'S CREDIBILITY

37. On July 23, 2020, the day after the Original Piece was published, the *Intercept* covered Ms. Croydon’s allegations. Significantly, the *Intercept* expressly stated that a number of individuals had questioned Ms. Croydon’s credibility: “The *Intercept* has spoken to several people who recounted having disturbing interactions with Croydon that caused them to question her credibility.”⁸

38. *The Open Letter Regarding Ms. Croydon’s Credibility.* The next day (**July 24, 2020**), the *Independent Political Report* published an open letter (the “Open Letter”), in which 17 individuals (including Dr. Flowers and Ms. Zundmanis) expressed deep concern regarding Ms. Croydon’s credibility and described her history of false allegations against political activists:

The accuser [Ms. Croydon] is well known in the D.C. social-justice community. Unfortunately, this troubled individual has a long history of fabricating attacks against innocent people. A review of litigation she has filed in various jurisdictions would likely yield a revealing picture to an enterprising journalist. She has engaged in *late-night phone harassment campaigns, false allegations, and physical threats* against numerous individuals over the years. She is NOT a credible witness against this promising progressive leader.”⁹

39. Two months later (**Sept. 25, 2020**), after conducting a follow-up investigation, the *Intercept* delivered a definitive, sobering conclusion regarding Ms. Croydon’s allegations about Mr. Buttar: “Yet Croydon’s claims *have not been borne out*. The Intercept was **not able to corroborate Croydon’s allegations** and has interviewed multiple sources who recounted having disturbing interactions with her that *caused them to question her credibility*.¹⁰

⁸ Akela Lacy, *Intercept*, July 23, 2020 “Shahid Buttar’s Bid to Unseat Nancy Pelosi Roiled by Staff Mistreatment”, available at <https://theintercept.com/2020/07/23/shahid-buttar-campaign-allegations/> (last visited July 17, 2021).

⁹ “DC Activists Support Shahid Buttar, Call Accuser Troubled Person with History of Accusations” (italics added), *Independent Political Report*, July 24, 2020, available at <https://independentpoliticalreport.com/2020/07/dc-activists-support-shahid-buttar-call-accuser-troubled-person-with-history-of-false-accusations/> (last visited July 17, 2021).

¹⁰ Akela Lacy, *Intercept*, Sept. 25, 2020, “Shahid Buttar’s Bid to Unseat Nancy Pelosi Roiled by Staff Mistreatment”, available at <https://theintercept.com/2020/09/25/shahid-buttar-roiled-by-staff-mistreatment/>

1 40. The *Intercept*'s Sept. 25, 2020 findings prompted it to update its original, July 23,
 2 2020 article. Specifically, the *Intercept* placed an "editor's note" in a prominent
 3 position at the top of the article text.¹¹

4 **THE CHRONICLE'S SECOND PIECE ON MS. CROYDON'S ALLEGATIONS**

5 41. On **July 25, 2020**, the *Chronicle* published a follow-up piece (the "Follow-Up
 6 Piece"), also written by Mr. Garofoli, regarding Ms. Croydon's allegations.

7 42. Although it quoted individuals who defended Mr. Buttar's ethics and integrity, the
 8 Follow-Up Piece was misleading in two major ways. *First*, it portrayed those
 9 individuals as Mr. Buttar's friends, when they are fiercely independent political
 10 activists.

11 43. *Second*, even though Mr. Garofoli had been apprised by Dr. Flowers, Ms.
 12 Zundmanis, other signatories of the Open Letter, and Mr. Sampson that Ms.
 13 Croydon had a long history of false accusations against political activists
 14 (including Kevin Zeese, a federal candidate), the Follow-Up Piece failed to
 15 disclose that highly relevant history to *Chronicle* readers.

16 44. To make matters worse, the Follow-Up Piece *did not even provide a hyperlink* to
 17 the Open Letter. As a result, *Chronicle* readers were deprived of the opportunity
 18 to decide for themselves whether the *Chronicle* had accurately reported the content
 19 of the Open Letter.

20 45. In stark contrast, both the *Chronicle*'s Original Piece and Follow-Up Piece had
 21 provided hyperlinks to Ms. Croydon's false, self-published *Medium* allegations.

22 **THE AFTERMATH**

23 46. The *Chronicle* has never published a piece like the Original Piece about a White
 24 male candidate for office.

25 47. Had Mr. Buttar been a White male, rather than an immigrant Muslim, the
 26 *Chronicle* would not have recklessly rushed to publish the Original Piece, much

27 28

[dsa-san-francisco-allegations/](https://www.dsa-sf.org/2020/07/25/dsa-san-francisco-allegations/) (last visited July 18, 2021) (italics and bold print added).

¹¹ 11 *Id.*

1 less publish it. Instead, the *Chronicle* would have thoroughly investigated whether
2 or not Ms. Croydon’s allegations were credible.

3 48. The *Chronicle*’s publication of the Original Piece delivered crippling blows to Mr.
4 Buttar’s insurgent campaign against House Speaker Pelosi, who defeated Mr.
5 Buttar on Nov. 3, 2020.

6 49. Ms. Croydon’s false accusations were immediately and consistently seized upon
7 by critics across the political spectrum – including K-Hive, an organized network
8 of certain supporters of Vice President Kamala Harris. To this day, voices
9 associated with K-Hive continue to actively promote Ms. Croydon’s false
10 allegations that were amplified by the *Chronicle*’s Original Piece.

11 50. Indeed, taking the cue from San Francisco’s only newspaper of record, local media
12 outlets such as the San Francisco *Bay Guardian*, *48 Hills*, and *Mission Local*
13 published their own stories that referenced Ms. Croydon’s false allegations.

14 51. As a result, Mr. Buttar and Buttar for Congress suffered lasting, grievous harm.
15 The false allegations in the Original Piece recklessly and unjustly smeared Mr.
16 Buttar’s ethics and integrity, harmed his professional livelihood and personal
17 relationships, slashed his speaking and writing opportunities, and gravely damaged
18 the public’s perception of his fitness to hold political office.

19 52. Mr. Buttar’s campaigns and legislative vision are animated by constitutional
20 concerns about corporate corruption in Congress and unconstitutional
21 Congressional deference to executive-branch abuses of human rights across the
22 United States and the globe.

23 53. The grievous harm inflicted upon Mr. Buttar and Buttar for Congress set back each
24 of those issues that he and his supporters had sought to address. Because he was
25 forced to respond to false, disingenuous smears amplified by San Francisco’s only
26 newspaper of record, Mr. Buttar was effectively deprived of the ability to speak
27 publicly about two critical issues amidst a global pandemic and ominous wildfires:
28 healthcare policy and climate justice.

54. The *Chronicle*'s publication of Ms. Croydon's false allegations misled voters in a federal election. Against such a backdrop, the *Chronicle*'s defamation of Mr. Buttar undermined Mr. Buttar, the integrity of our elections, and our very democracy.

COUNT 1

Defamation at Common Law and Cal. Civil Code §45 (Libel)

Against Defendant Hearst Communications, Inc.

8 55. The foregoing allegations are hereby incorporated by reference.

9 56. The *Chronicle* is liable for defamation per se, for it published Ms. Croydon's false

10 allegations that Mr. Buttar sexually harassed her.

11 57. The *Chronicle* published Ms. Croydon's false allegations with actual malice, for it

12 (a) knew the falsity of Ms. Croydon's allegations, or (b) recklessly disregarded the

13 falsity of Ms. Croydon's allegations.

14 58. After giving Buttar for Congress less than two hours to respond to Ms. Croydon's

15 false allegations, the *Chronicle* then failed to contact individuals like Dr. Flowers

16 and Ms. Zundmanis – even after it was told that those individuals would have

17 provided details of Ms. Croydon's history of lobbing false allegations (including

18 her claim that Dr. Flowers' husband had sexually assaulted her) against one federal

19 candidate and other political activists.

20 59. Subsequently, even though Mr. Garofoli had been apprised by Dr. Flowers, Ms.

21 Zundmanis, over a dozen other signatories of the Open Letter, and Mr. Sampson

22 that Ms. Croydon had a long history of false accusations against political activists

23 (including Kevin Zeece, a federal candidate), the Follow-Up Piece did not disclose

24 that highly relevant history to *Chronicle* readers.

25 60. The *Chronicle*'s published Ms. Croydon's false allegations without justification or

26 privilege.

27 61. Mr. Buttar and Buttar for Congress suffered lasting, grievous harm. The false

28 allegations in the Original Piece recklessly and unjustly smeared Mr. Buttar's

ethics and integrity, harmed his professional livelihood, and gravely damaged the public’s perception of his fitness to hold political office. Each of those grave harms continue to this day – and continue to erode election integrity heading into the 2022 Congressional elections.

62. As a direct and proximate result, Buttar for Congress and Mr. Buttar suffered grievous harm to their reputations.

COUNT 2

Violation of Cal. Bus. & Prof. Code §§17200, et seq.

Against Defendant Hearst Communications, Inc.

63. The foregoing allegations are hereby incorporated by reference.
64. The Unfair Competition Law (“UCL”, Cal. Bus. & Prof. Code §§17200, et seq.) bans any unlawful, unfair, and fraudulent business acts and practices.
65. Defendant Hearst has violated, and continues to violate, the UCL by engaging in the following unlawful acts and practices: maliciously defaming Buttar for Congress and Mr. Buttar in violation of California Civil Code section 45 and under common law.
66. Defendant Hearst has violated, and continues to violate, the UCL by engaging in the following unfair business acts and practices:
 - A. Engaging in malicious, defamatory conduct, which provides no benefit to competition, such that the personal and political reputations of candidates like Mr. Buttar have suffered grievous harm.
 - B. Engaging in malicious, defamatory conduct in violation of public policy as reflected in California Civil Code section 45.
67. Buttar for Congress and Mr. Buttar have no adequate remedy at law for the injuries they will continue to suffer as a result of Defendant Hearst’s unlawful acts.
68. Unless restrained by this Court, Defendant Hearst will continue to pursue its unfair and unlawful conduct.

REQUEST FOR RELIEF

Buttar for Congress and Mr. Buttar ask the Court to grant them the following relief:

- I. Damages, including general and special damages, in an amount to be determined at trial;¹²
- II. Prejudgment interest;
- III. An order requiring (a) the retraction of all Ms. Croydon's defamatory allegations that were published in the *Chronicle*, and (b) a public apology from the *Chronicle*.
- IV. An injunction requiring Defendant Hearst to cease engaging in unfair competition;
- V. Costs and attorney's fees to the extent provided for by law; and
- VI. All other relief that the Court deems just and equitable.

DATED: July 20, 2021

BUSINESS, ENERGY, AND ELECTION LAW, PC

By: /s/ Gautam Dutta

GAUTAM DUTTA, ESQ.

Attorneys for Plaintiffs

SHAHID BUTTAR FOR CONGRESS
COMMITTEE and SHAHID BUTTAR

¹² Buttar for Congress and Mr. Buttar reserve the right to seek punitive damages at the appropriate time.